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W.P.(MD)No.24682 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.24682 of 2024
and
W.M.P.(MD)Nos.21006 and 21007 of 2024**

Rahima

... Petitioner

-VS-

The Authorized Officer,
Canara Bank,
Madurai East Masi Street,
Madurai Branch,
Madurai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the learned Chief Judicial Magistrate, Theni in Cr.M.P.No.4892 of 2024 dated 12.09.2024 and quash the same.

For Petitioner : Mr.K.Navaneetha Raja

For Respondent : Mr.C.Deepak

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The prayer in the writ petition reads as follows:

<https://www.mhc.tn.gov.in/judis> “To issue a Writ of Certiorari, to call for the records pertaining to



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the impugned order passed by the learned Chief Judicial Magistrate, Theni in Cr.M.P.No.4892 of 2024 dated 12.09.2024 and quash the same."

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2. Heard, Mr.K.Navaneetha Raja, learned counsel for the petitioner and Mr.C.Deepak, learned counsel for the respondent.

3. Challenge is to the order made by the Chief Judicial Magistrate under Section 14 of the SARFAESI Act, 2002. Though an alternative remedy is available to the petitioner by way of an appeal before the Debt Recovery Tribunal in view of the irresistible offer made by the learned counsel appearing for the petitioner that the petitioner would be ready to liquidate the entire debt if some time is granted, we deem it fit to entertain the writ petition.

4. It is admitted by Mr.C.Deepak, learned counsel appearing for the bank, that, a sum of Rs.13,30,580/- (Rupees Thirteen Lakhs Thirty Thousand Five Hundred and Eighty only) is lying to the credit of the savings bank account of the petitioner which has been frozen by the bank. The said sum shall be adjusted towards the debt due. The balance that would be payable is Rs.42,70,420/- (Rupees Forty Two Lakhs Seventy Thousand Four Hundred and Twenty only). The petitioner shall pay the balance amount in four equal monthly instalments commencing from 18.11.2024. The interest that accrues in the interregnum and cost shall be paid along with the last instalment. The bank will be at liberty to proceed if the monthly instalments are not paid as directed above.



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5. The writ petition is disposed of with the above observations. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]

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NCC : Yes/No
Index : Yes/No
Internet : Yes
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